

Remarks

In view of the foregoing amendments and the following remarks, reconsideration of the present patent application is respectfully requested.

As for the amendment of claim 15, the reason is that the geometrical arrangement of holes has its meanings. With this special arrangement of the holes of the gas-feeding pipe, as described at Page 9, lines 1-13 of the specification, the flow pattern is adjusted, and then it results in the decrease of the temperature difference between the fed nitrogen and the inner tube (12) to prevent heat-stress-induced peelings. Therefore, the amended claim 15 can overcome the cited Japanese patent, JP358197724A. Besides, the apparatuses, which both gas-feeding pipes apply to, are totally different in inner layout. Thus, the main hole-arranging purposes for both gas-feeding pipes are totally different.

As for the amendment of claim 16, the reason is that the preamble has its meanings. According to *Rowe v. Dror*, 112 F.3d 473; 1997 U.S. App. LEXIS 7911; 42 U.S.P.Q.2D (BNA) 1550, the citations from the court are as follows:

"[A] claim preamble has the import that the claim as a whole suggests for it." Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 620, 34 U.S.P.Q.2D (BNA) 1816, 1820 (Fed. Cir. 1995). Where a patentee uses the claim preamble to recite structural limitations of his claimed invention, the PTO and courts give effect to that usage. See id.; Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., 868 F.2d 1251, 1257, 9 U.S.P.Q.2D (BNA) 1962, 1966 (Fed. Cir. 1989).

Therefore, it should be noted that the preamble of claim 16 has its meanings. Furthermore, in *Rowe v. Dror*, the court said that:

The determination of whether preamble recitations are structural limitations or mere statements of purpose or use "can be resolved only on review of the entirety of the patent to gain an understanding of what the inventors actually invented and intended to encompass by the claim." Corning Glass Works, 868 F.2d at 1257. The inquiry involves examination of the entire patent record to determine what invention the patentee intended to define and protect. See Bell Communications, 55 F.3d at 621 (looking to patent specification to determine whether claimed invention includes preamble recitations); In re Paulsen, 30 F.3d 1475, 1479, 31 U.S.P.Q.2D (BNA) 1671, 1674 (Fed. Cir. 1994) (examining "patent as a whole"); Vaupel Textilmaschinen KG v. Meccanica Euro Italia SPA, 944 F.2d 870, 880, 20 U.S.P.Q.2D (BNA) 1045, 1053 (Fed. Cir. 1991) (looking to claims, specification, and drawings); Gerber Garment Tech., Inc. v. Lectra Sys., Inc., 916 F.2d 683, 689, 16 U.S.P.Q.2D (BNA) 1436, 1441 (Fed. Cir. 1990) (noting that preamble recitations provided antecedent basis for terms used in body of claim); Corning Glass Works, 868 F.2d at 1257 (considering the specification's statement of the problem with the prior art); Kropa, 187 F.2d at 152 (noting that preamble sets out distinct relationship among remaining claim elements).

Therefore, according to the specification at Page 7, lines 19-27, it disclosed the relative position where the gas-feeding pipe is located in a reactor. The preamble, "for feeding gas into a space of a film-forming apparatus having an inner part and an outer part, wherein the space is located between the inner part and the outer part", should be a limitation. The claim 16 must overcome the cited Japanese document with DERWENT-ACC-NO 1993-155603. The cited case has a gas-feeding pipe located inside the chamber. It has its own purpose. Our invention is totally different.

All the claims are commonly owned by joint inventors.

If the examiner would like to discuss Applicant's invention prior to issuing an action, the Examiner should feel free to contact the undersigned attorney.

In view of the foregoing, Applicant has placed the case in condition for reconsideration and respectfully requests allowance of pending claims 15-16 as amended, and new dependant claims.

Respectfully submitted,



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